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March 1, 2006

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DAVID G. LARIMER
U.S. District Judge
Western District of New York

Hon. David G. Larimer, Judge
United States District Court (WDNY)
2500 U.S. Courthouse
100 State St.
Rochester, NY 14614-1387

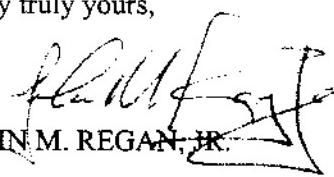
Re: Davis v. York, 05-CV-6736

Dear Judge Larimer:

This will confirm that since the New York State Attorney General has refused to appear and waive the "exhaustion" requirement that otherwise applies to habeas proceedings, the above captioned petition is hereby withdrawn as being legally futile at this time.

I thank the Court for its patience in the matter.

Very truly yours,


JOHN M. REGAN, JR.

xc: NYS Attorney General (Robert Colon, Esq., of counsel)

Request granted
Petition withdrawn
and dismissed. Case closed
Searched, SerIALIZED
Dated 3-3-06
U.S.D.J.
3-3-06